

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FERNANDO D. LOPEZ,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; WELLS
FARGO HOME MORTGAGE; FIRST
AMERICAN TITLE INSURANCE CO.;
US BANK NATIONAL ASSOCIATION,
AS TRUSTEE SUCCESSOR IN
INTEREST TO WACHOBIA BANK,
NATIONAL ASSOCIATION AS
TRUSTEE FOR WELLS FARGO ASSET
SECURITIES CORPORATION,
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2005-AR12;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: 16cv811 AJB (DHB)

**ORDER TO SHOW CAUSE RE:
LACK OF SUBJECT MATTER
JURISDICTION**

On April 5, 2016, Plaintiff Fernando D. Lopez ("Plaintiff") initiated this action asserting several state law claims against Defendants. (*See* Doc. No. 1.) Upon review of Plaintiff's complaint, the Court cannot ascertain whether federal subject matter


jurisdiction exists over Plaintiff's claims. Because federal courts are courts of limited jurisdiction, *Gould v. Mutual Life Ins. Co. v. New York*, 790 F.2d 769, 774 (9th Cir. 1986), a federal court cannot reach the merits of a dispute until it confirms that it has subject matter jurisdiction. *See Steel Co. v. Citizens for a Better Environ.*, 523 U.S. 83, 93–94, (1998). Accordingly, federal district courts have an independent obligation to address subject matter jurisdiction *sua sponte*. *See Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 593 (2004).

Federal district courts have the power to hear only those cases authorized by the Constitution and Congress, which include those involving diversity of citizenship, a federal question, or those in which the United States is a party. 28 U.S.C. §§ 1331, 1332; *see also Kokkonen v. Guardian Life Ins., Co.*, 511 U.S. 375, 377 (1994). Federal courts are presumptively without jurisdiction over civil actions and the burden of establishing the contrary rests upon the party asserting jurisdiction. *Kokkonen*, 511 U.S. at 377.

Accordingly, Plaintiff has the burden of establishing federal subject matter jurisdiction exists over his claims. Plaintiff is directed to file a brief establishing jurisdiction exists no later than **July 1, 2016**.

IT IS SO ORDERED.

Dated: June 17, 2016


 Hon. Anthony J. Battaglia
 United States District Judge